

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BERKELEY COUNTY

Master-in-Equity

The Honorable Dale Edward Van Slambrook

Appellate Case No. 2018-000438

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NOV 19 2018

SC Court of Appeals

Valerie Green,

Appellant,

v.

The Estate of Jake Green a/k/a Jacob Green, Margaret Wilder (deceased), Mary Harrell a/k/a Mary Cromedy (deceased), Henry Green (deceased), Thomas Henry Green (deceased), Ethel Bengall, Rebecca Alls (deceased), Rena Mae Green-Calvin, Barbara Green, Linda Cromedy, Walter Harrell, Laverna Green, Kathleen Pinkston, Robert Kinloch, Oliver Alls, Jackie Alls, Norman Alls , Isaac Alls (deceased), Isaac Alls, Jr., Evelyn Alls Terry, Patricia Spratton, Hazel Owens, Suzette Ford, Linda Beauford, Lanny Venning, Thomas Wilder (deceased), Thomas Wilder, Jr., Savona Green, Terrance Green, Nathaniel Green, Henry Green, Jr., Marcella Brown, Valerie Green, John Doe and Mary Roe, fictitious names used to designate persons in the military service within the meaning of Title 50, United States Code, commonly referred to as the Service Members Civil Relief Act of 2003 as amended, if any, and the unknown heirs at law, devisees, widows, widowers, executors, personal representatives, successors and assigns firms or corporations of the Estate of Jake Green and any of the defendants who may be deceased, and all other persons claiming any right, title, estate, interest in or lien upon the real estate described in the complaint of in the complaint or any part thereof,

Defendants,

Of whom The Estate of Jake Green a/k/a Jacob Green, Margaret Wilder

(deceased), Mary Harrell a/k/a Mary Cromedy (deceased), Henry Green (deceased), Thomas Henry Green (deceased), Ethel Bengall, Rebecca Alls (deceased), Rena Mae Green-Calvin, Barbara Green, Linda Cromedy, Walter Harrell, Laverna Green, Kathleen Pinkston, Robert Kinloch, Oliver Alls, Jackie Alls, Norman Alls, Isaac Alls (deceased), Isaac Alls, Jr., Evelyn Alls Terry, Patricia Spratton, Hazel Owens, Suzette Ford, Linda Beauford, Lanny Venning, Thomas Wilder (deceased), Thomas Wilder, Jr., Savona Green, Terrance Green, Nathaniel Green, Henry Green, Jr., and Marcella Brown are,

Respondents.

**RESPONDENTS' MOTION TO COMPEL APPELLANT TO
AMEND THE RECORD ON APPEAL**

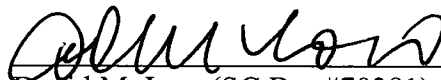
NOW COMES the Respondents by and through their undersigned counsel, and pursuant to the South Carolina Appellate Court Rules ("SCACR"), respectfully move the Court for an order requiring Appellant to amend the Record on Appeal, in order to conform to the requirements of SCACR Rule 210(c), and as grounds, state as follows:

- 1) Pursuant to SCACR Rule 209, Respondents filed their Designation of Matter to be Included in the Record on Appeal with the Court on July 19, 2018, and timely served the Appellant the same, as noticed by the Proof of Service included with the Designation of Matter to be Included in the Record on Appeal, filed with the Court on July 19, 2018.
- 2) Included in said Designation of Matter to be Included in the Record on Appeal was the "Answer – Defendants (Filed 12/18/2009)". Said Answer is a pleading to be properly included as part of the Record on Appeal.

- 3) On October 16, 2018 Appellant filed the Record on Appeal with the Court.
- 4) Said Record on Appeal did not include the Answer designated by Respondents in their Designation of Matter to be Included in the Record on Appeal filed with the Court on July 19, 2018; Appellant was required pursuant SCACR Rule 210 (c) to include said Answer as a matter properly designated by Respondents pursuant SCACR Rule 209.
- 5) That any matter not included in the Record on Appeal may not be considered by the Court; that the matter submitted by the Respondents' is properly part of the Record on Appeal; and that the cost of amending the Record on Appeal should fall to Appellant as the party responsible for preparing and presenting an accurate and correct Record on Appeal to the Court.

WHEREFORE, the Respondents respectfully request this Honorable Court grant this Motion to Compel Appellant to Amend the Record on Appeal or such other relief or remedy as the Court should deem proper to allow for matter designated by Respondents' to appear as part of the Record on Appeal.

Respectfully Submitted,



David M. Low (SC Bar #70381)

Low Law Firm, LLC

1459 Stuart Engals Boulevard, Suite 203A

Mount Pleasant, South Carolina 29464

(843) 849-1009

November 16, 2018

ATTORNEY FOR RESPONDENTS

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BERKELEY COUNTY

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The Honorable Dale Edward Van Slambrook

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Respondents.

PROOF OF SERVICE

I certify that I have served Respondents' Motion to Compel Appellant to Amend the Record on Appeal upon the Appellants by way of U.S. Mail, stamped First Class Delivery, on November 16, 2018 addressed to Appellant's attorney of record as follows:

Willie B. Heyward
27 Gamecock Avenue
Suite 200
Charleston, SC 29407

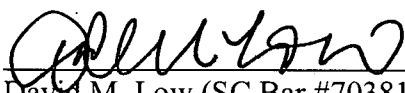
Attorney for Appellant, Valerie Green

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ATTORNEY FOR RESPONDENTS

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MT. PLEASANT, SC 29464

DAVID M. LOW, ESQ.

P.O. BOX 1409
MT. PLEASANT, SC 29465

November 16, 2018

VIA U.S. MAIL

The Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201-3769

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SC Court of Appeals

**Re: Valerie Green v. The Estate of Jake Green a/k/a Jacob Green,
et al.**

Lower Court Case No.: 2009 CP 08 1708

Court of Appeals Case No.: 2018-000438

Dear Madam or Sir:

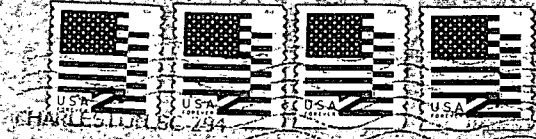
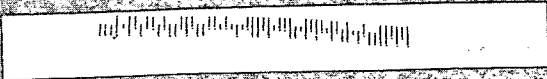
As it pertains to the above referenced appeal, enclosed please find the original and requisite six copies of Respondents' Motion to Compel Appellant to Amend the Record on Appeal, along with Proof of Service. Also enclosed is a check for \$25.00 representing the motion filing fee. I would appreciate you returning a stamped copy to my in office in the enclosed SASE.

Thank you for your time and assistance in this matters. Please do not hesitate to contact my office should you have any questions or concerns.

Sincerely,

Low Law Firm, LLC



David M. Low




CHARLESTON, SC 294

FRI 16 NOV 2018 10:00 AM



 **Low Law Firm, LLC**
1459 Stuart Engals Boulevard
Suite 203A
Mount Pleasant, SC 29464

 The Hon. Jenny Abbott Kitchings
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South Carolina Court of Appeals
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